

Appl. No.: 10/554,031
Amdt. Dated March 23, 2009
Reply to Office Action of December 23, 2008

REMARKS/ARGUMENTS

This amendment is submitted in reply to the Office Action dated December 23, 2008. Claims 73-100 currently stand rejected. Applicant has amended claims independent claims 73, 78, 83, 87, 91 and 96 for clarification. Claims 74, 79, 92 and 97 have been amended to eliminate certain alternative expressions. No new matter has been added by the amendment.

Examiner Interview

Applicant's attorney conducted a telephone interview with the Examiner on March 4, 2009 in order to discuss certain aspects of the invention. In the interview, the fact that the profiling of the present application is conducted prior to any user involvement such that no user entry of a keyword or anything that could provide advanced knowledge regarding the content to be profiled is provided. As a result of the telephone interview, Applicant agreed to amend the claims to further clarify this distinction. Applicant also agreed to amend the independent claims to eliminate some of the alternative language therein.

The present amendment reflects these agreed upon changes and, in light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application. If any issues remain after entry of the present amendment, Applicant's attorney invites the Examiner to call the undersigned to resolve such issues at the Examiner's convenience.

Claim Rejections - 35 USC §103

Claims 73-100 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Banerjee et al. (U.S. Patent No. 6,983,273, hereinafter "Banerjee") in view of Herz (U.S. Patent No. 6,020,883).

As discussed in the teleconference of March 4, 2009, the claimed invention provides for deriving a content profile for an information group without prior knowledge of the content of the information group. Applicants have amended independent claims 73, 78, 83, 87, 91 and 96 to further clarify that the derivation of the content profile occurs prior to user involvement. Accordingly, embodiments of the present invention do not require the user to provide any initial

query or keyword to serve as a basis for forming the content profile. As further defined, for example, in claim 74, in some cases the analysis of information used to generate the content profile may include calculation of word or phrase frequency of occurrence. Based on this understanding of the claimed invention, Banerjee and Herz, alone or in combination, fail to teach or suggest the claimed invention.

The Office Action cites FIGS. 7 and 8 of Banerjee as disclosing derivation of a content profile without prior knowledge of the content of the information group. However, this is based on the Examiner's prior understanding that even the claimed invention required some form of query or keyword input, but the claimed invention does not require such input. Having established this common understanding, it can be noted that neither FIG. 7 nor FIG. 8 discloses the stimuli causing the information provided to be displayed on the screen. Hence, neither figure specifically discloses a method "without requiring a user to enter a keyword search or provide other advance knowledge of a subject of the information group" as provided in the claimed invention. In addition, the content of Banerjee also makes it clear that the stimuli used to provide the displayed results in FIGS. 7 and 8 include a conventional set of search terms in a search query, as input to a conventional search engine page. Such a search query may be referred to as a "keyword search", which the claimed invention replaces by using an automatically generated profile of an existing website as an integral part of the method, rather than requiring the user to provide a keyword search or other advance knowledge.

The claimed invention replaces the conventional search engine with alternative embodiments that are specifically designed to find similar parties (e.g., as provided at least for claim 73), and which does not require input of a conventional search engine query. Thus, the claimed invention provides a benefit to the user in that the user does not need to know anything about a party, such as keywords which are representative of the party, in order to find similar information. Instead, the claimed invention requires one party's website address (or other identification of the party) as the only input stimuli in order to return a set of similar websites, which is not disclosed in Banerjee. Instead, Banerjee discloses a conventional search engine index. Meanwhile, the claimed invention replaces the conventional search engine index and eliminates any requirement for a search query by replacing the requirement for search term input

with an automatically generated profile built automatically from an existing website.

Banerjee describes an addition to an existing search engine, which requires a search term query as described at col. 8, lines 32-36. The cited passage provides that the "accumulated and/or adjusted characteristic factors are then stored in or associated with (46) the rest of the "normal" search engine index (34) in a ratings index (34'), which can be subsequently managed similarly to other system resources in the search engine server". Thus, the ratings index is separated from the conventional search engine. Banerjee also describes, in reference to FIG. 5, element 51, which clearly annotates that the system receives search criteria from a Client (32), rather than automatically generating search criteria (e.g., the profiles automatically generated), as provided in the claimed invention. Col. 7, lines 18-23 of Banerjee also states that the "enhanced search engine server comprises the software functionality of a standard search engine server, preferably including the ability to perform searches of its indexed (34) linked sites (36) by keyword, phrases, hierarchical categorization and query by example". Col. 8, lines 39-42 and col. 10, line 41 are further examples of the requirement for manual input of a search query in Banerjee.

Thus, Banerjee clearly discloses a conventional search engine, which does not derive any content profile prior to user involvement, and a ratings index, which also does not derive any content profile prior to user involvement. Accordingly, Banerjee fails to teach or suggest, **prior to user involvement, deriving a content profile for an information group without prior knowledge of the content of the information group** as provided in the independent claims of the claimed invention.

Herz is directed to a method of scheduling broadcast of and access to data based on customer profiles. However, the customer profiles of Herz are determined based on questionnaires, customer demographics, relevance feedback, and the like and are compared with content profiles determined from questionnaires (col. 4, lines 43-51). Thus, the profiles of Herz are clearly based on advanced knowledge acquired from questionnaires or the like and are not generated prior to user involvement and without prior knowledge of the content of the information group as provided in the independent claims of the claimed invention.

Since Banerjee and Herz each fail to teach or suggest **prior to user involvement,**

Appl. No.: 10/554,031
Amdt. Dated March 23, 2009
Reply to Office Action of December 23, 2008

deriving a content profile for an information group without prior knowledge of the content of the information group as provided in the independent claims of the claimed invention, independent claims 73, 78, 83, 87, 91 and 96 are patentable over the cited references, alone or in combination. Claims 74-77, 79-82, 84-86, 88-90, 92-95 and 97-100 each depend directly or indirectly from a respective one of independent claims 73, 78, 83, 87, 91 and 96 and therefore include all the recitations of their respective independent claims. Thus, dependent claims 74-77, 79-82, 84-86, 88-90, 92-95 and 97-100 are patentable for at least the same reasons given above for independent claims 73, 78, 83, 87, 91 and 96.

Accordingly, Applicant respectfully submits that claims 73-100 are patentable.

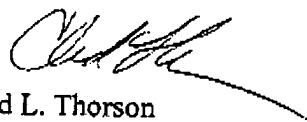
Appl. No.: 10/554,031
Amdt. Dated March 23, 2009
Reply to Office Action of December 23, 2008

CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

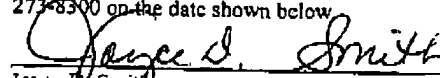


Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at facsimile number 571-273-8300 on the date shown below.



Joyce L. Smith
Date: March 23, 2009

LEGAL02/31207678v1